

CRP Note 106
Farmable Wetland Pilot (FWP) Program
REVISED ELIGIBILITY GUIDANCE
July 6, 2001

The FSA national office has recently released additional guidance, which adds flexibility to the existing eligibility criteria for the CRP Farmable Wetland Pilot (FWP). Listed below are several examples with specific explanations concerning eligibility.

FARMABLE WETLAND PILOT PROGRAM EXAMPLES

Below are 5 illustrations that demonstrate CEPD's clarification of FWP provisions issued on June 18, 2001. The provisions contained in the June 18th memorandum will change several answers provided through training and Q & A's.

Scenario 1 Pothole intersects Tract 1 and 2

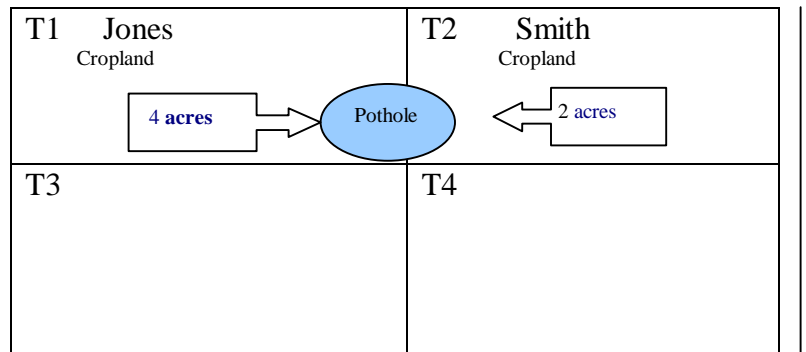


Illustration Not to Scale

- Tract 1 is owned by Farmer Jones
- Tract 2 is owned by Farmer Smith
- The wetland contains 4.0 acres on Tract 1
- The wetland contains 2.0 acres on Tract 2
- Assume all other eligibility requirements have been met
- Contract possibilities
 - Farmer Jones could place the 4.0 acres of wetlands in tract 1 under contract with the minimum/maximum buffer. The portion of wetland located on tract 2 would not be required to be under contract.
 - Farmer Smith could place the 2.0 acres of wetland under contract with the minimum/maximum buffer. The portion of wetland that is located on tract 1 would not be required to be placed under contract.

- Both farmer Jones and Smith could place their portions of the wetland under contract with the minimum/maximum buffer.

FARMABLE WETLAND PILOT PROGRAM EXAMPLES

Scenario 2 Pothole intersects Tract 1 and 2

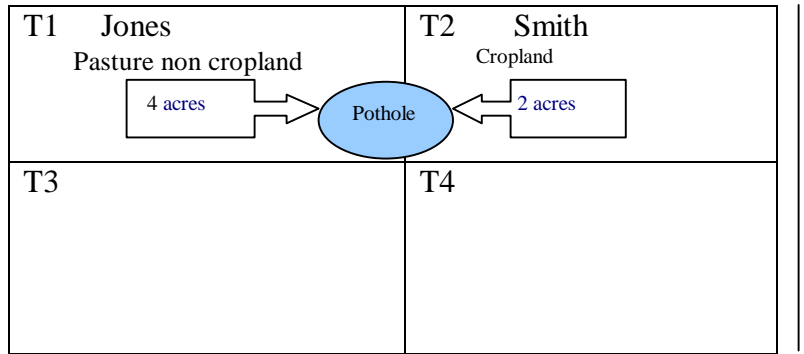


Illustration Not to Scale

- Tract 1 is owned by Farmer Jones
- Tract 2 is owned by Farmer Smith
- The wetland contains 4.0 acres on Tract 1
- The wetland contains 2.0 acres on Tract 2
- Assume all other eligibility requirements have been met on tract 2 but not tract 1 as it does meet cropping history requirements. Tract 1 is considered pastureland.
- Contract possibilities
 - The 4.0 acres of wetland on tract 1 is ineligible to be placed under contract.
 - Farmer Smith could place the 2.0 acres of wetland under contract with the minimum/maximum buffer.

FARMABLE WETLAND PILOT PROGRAM EXAMPLES

Scenario 3 The linear wetland intersects tracts 1,2,3 & 4

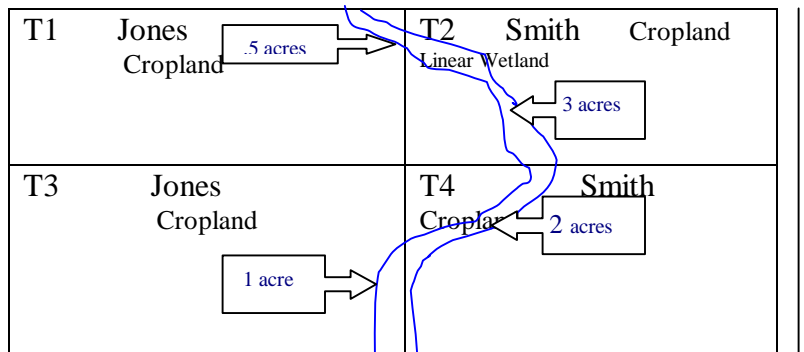


Illustration Not to Scale

- Tracts 1 and 3 are owned by Farmer Jones
- Tracts 2 and 4 are owned by Farmer Smith
- The wetland on tract 1 is .5 of an acre
- The wetland on tract 2 is 3.0 acres
- The wetland on tract 3 is 1.0 acres
- The wetland on tract 4 is 2.0 acres
- Assume all other eligibility requirements have been met
- Contract possibilities:
 - Farmer Jones could place the portion of the wetland on tract 1 under contract while the remaining wetland on tracts 2 through 4 would not be required to be under contract.
 - Farmer Jones could place the portion of the wetland on tract 3 under contract while the remaining wetland on tracts 1, 2 and 4 would not be required to be under contract.
 - Farmer Jones could place the portion of wetlands contained on tract 1 and 3 under contract while the remaining wetland acres on tracts 2 and 4 would not be under contract.
 - Farmer Smith could place the portion of the wetland on tract 2 under contract while the remaining wetland on tracts 1, 3 and 4 would not be required to be under contract.
 - Farmer Smith could place the portion of the wetland on tract 4 under contract while the remaining wetland on tracts 1, 2 and 3 would not be required to be under contract.
 - Farmer Smith could place the portion of wetland on tracts 2 and 4 under contract without the wetland acres located on tracts 1 and 3.
 - All four tracts could have a contract for the portion of the linear wetland contained within the boundaries of the tract.

FARMABLE WETLAND PILOT PROGRAM EXAMPLES

Scenario 4 The linear wetland intersects tracts 1,2,3 & 4

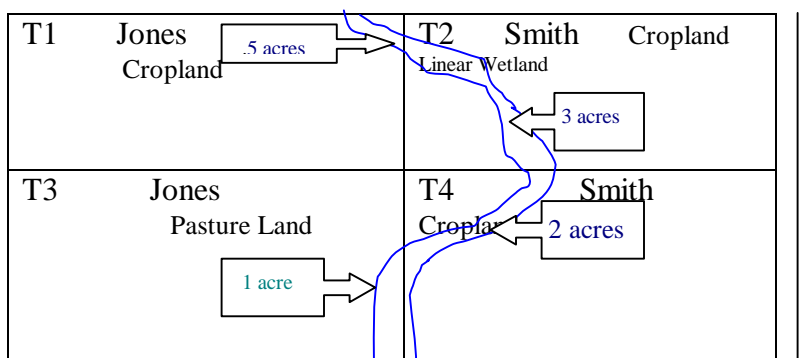


Illustration Not to Scale

- Tracts 1 and 3 are owned by Farmer Jones
- Tracts 2 and 4 are owned by Farmer Smith
- The wetland on tract 1 is .5 of an acre
- The wetland on tract 2 is 3.0 acres
- The wetland on tract 3 is 1.0 acres
- The wetland on tract 4 is 2.0 acres
- Assume all other eligibility requirements have been met on tracts 1, 2 and 4. Tract 3 is ineligible because it is devoted to pasture land.
- Contract possibilities:
 - Farmer Jones could place the portion of the wetland on tract 1 under contract while the remaining wetland on tracts 2 through 4 would not be required to be under contract.
 - Farmer Smith could place the portion of wetland on tract 2 under contract without the wetland acres located on tracts 1, 3 and 4.
 - Farmer Smith could place the portion of wetland on tract 4 under contract without the wetland acres located on tracts 1, 2 and 3.
 - Farmer Smith could place the portion of wetland on tracts 2 and 4 under contract without the wetland acres located on tracts 1 and 3.
 - Tracts 1, 2 and 4 could have a contract for the portion of the linear wetland contained within the boundaries of the tract.

FARMABLE WETLAND PILOT PROGRAM EXAMPLES

Scenario 5 The pothole in the SE corner of Tract 4

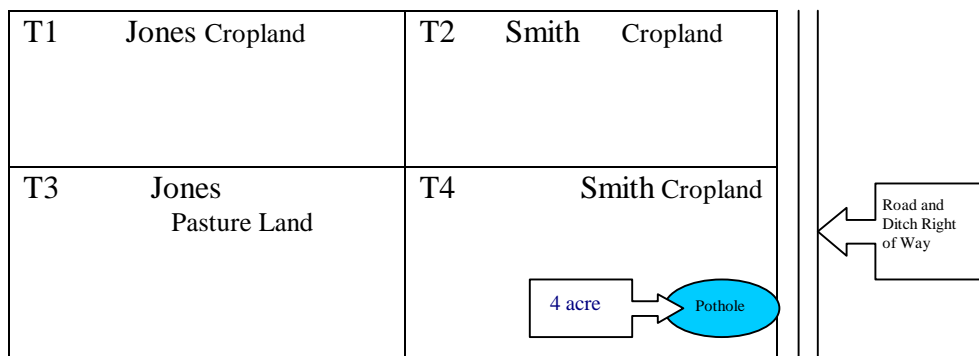


Illustration Not to Scale

- Assume all other eligibility requirements have been met

The pothole totally contained in tract 4 adjoins a road right of way (ditch). We are unable to place the minimum buffer around the area that adjoins the ditch.

Previously we determined that this was ineligible because we could not place the minimum buffer around the entire wetland. In light of the clarification on linear or

sloped wetlands, this acreage will now be determined eligible for the program with the minimum buffer being established, where possible, around the wetland.

Minnesota NRCS Comments

- Based on this revised guidance wetlands of any size that lie across FSA tract and/or property boundary lines could be eligible for enrollment into FWP provided that the size of the wetland offered (practice CP-27) is less than 5 acres on each individual tract. The amount of eligible buffer (practice CP-28) associated with the wetland is still dependent on the amount of wetland eligible to be enrolled, not the total wetland area. Wetland restoration should be completed to the extent practical without adversely effecting neighboring land, partial restoration of wetlands is acceptable in these cases.
- The provision that wetlands be entirely surrounded by at least a minimum 30 foot wide buffer no longer applies. Buffers are mandatory only to the extent where they are possible to be established.
- FSA will be issuing these revisions to their staff in a separate FSA Conservation Memo.

